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ABSTRACT

California's Winton Act has enhanced the California Teacher Association (CTA) position over the American Federation of Teachers (AFT) position in relating to school boards. Because of its proportional representation, the legally established negotiating council has not integrated the rival organizations into one voice. The AFT tendency to work outside the formal structure allows the CTA voice to speak for teachers. Power relations between school boards and the CTA have influenced the "meet and confer" requirement, resulting in local variations in its interpretation. Further trouble is created by a lack of impasse procedures in the law, which leads to direct confrontation and strikes. Because of power differences between teachers, administrators, and school boards, the Winton Act assumption of professional orientation and unity of interest has not proven realistic and modification toward private sector bargaining may be forthcoming. (Author/DW)

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PROFESSIONALISM, UNIONISM, AND COLLECTIVE NEGOTIATION: TEACHER NEGOTIATIONS EXPERIENCE IN CALIFORNIA

by

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PROFESSIONALISM, UNIONISM, AND COLLECTIVE NEGOTIATION: TEACHER NEGOTIATIONS EXPERIENCE IN CALIFORNIA

With the emergence of collective bargaining in public education throughout the United States, there has been some question as to whether the traditional forms of labor legislation and the negotiating characteristics of the private sector are transferable to labor relations in education. Many educators have argued that novel legislation and new negotiating behavior patterns should be developed that relate to the unique characteristics of public education. California was the first state to adopt major legislation governing labor relations in public education that differed significantly from traditional collective bargaining legislation. Its law has been considered an example of a professional law designed specifically to meet the needs of those in public education. The California law seemed to be based on the assumption that there was a professional unity of interest among the parties in the employment relationship in the state's public education system.

The purpose of this paper is to review the significant characteristics of the negotiating structure and bargaining behavior that have emerged under the California teacher negotiations act during its first several years of operation. The discussion and analysis are based on a survey of negotiating activity in twenty-two large school districts throughout the state of California, one hundred and sixty-three interviews with teachers and administrators involved in negotiations, and an extensive review of documents and literature relating to the subject.

The California Winton Act

In 1965, the California legislature enacted a teacher negotiations law -- commonly referred to as the "Winton Act".[1] This law was an unusual example of public employee negotiations legislation. Specifically, it provided that teacher organizations could represent their members in dealings with the local board of education, or its representative, through the mechanism of a "negotiating council". The council was to consist of from five to nine members (the exact number being determined by the local school board) and the seats were to be allocated proportionally among teacher organizations -- based on validated membership lists of the organizations.[2] The teachers were given the right to "meet and confer" rather than "negotiate" with the employer through the council. No written statement of agreement was required when joint decisions were reached. Finally, no procedures were established for use in the event of an impasse in negotiations between the representatives of the teachers and the employer.

This legal framework differed from the public employee negotiations laws emerging in other states. Generally, other state laws incorporated some of the more conventional procedures in labor relations such as: exclusive representation for a bargaining representative chosen by election; the right for this selected representative to negotiate or bargain with the employer; and, perhaps, some form of impasse procedure (e.g., fact finding, mediation, etc.).

A Professional Orientation

The Winton Act, which was strongly supported by the California Teachers Association (CTA), an affiliate of the National Education Association (NEA), seemed to be structured on the assumption that there

was a general unity of interest between the parties in a school district. For example, this is illustrated in the following points:

1. the requirement of a negotiating council with proportional representation seemed to be based on the assumption that professional goals and behavior on the part of the teachers would override inter-organizational conflict between rival teacher organizations;

2. the requirement that the board must "meet and confer" rather than "negotiate in good faith" seemed to be founded on the assumption that interaction between the teachers and the employer would be carried out in a rational atmosphere where information was presented objectively and was carefully evaluated by all the parties before an acceptable decision was reached on jointly held educational objectives;

3. and, the lack of any impasse procedure, or even the recognition that an impasse might be reached between the parties, seemed to assume that the parties' needs and objectives were similar and that a significant conflict between the parties was not likely to emerge.

These assumptions are in distinct contrast to the more commonly held diversity of interest assumptions underlying labor legislation in the private sector and most public sector negotiation laws. Given this fact, it is important to examine the emerging experience under this unique legislation for public employees for several reasons. First, if the California law proves workable, it could become a prototype for other negotiations legislation in the public sector. Secondly, there are factors in the labor relations system of California public education that scholars of collective negotiations believe to be detrimental to the effective working of a professionally oriented law such as this. For example, there is dual unionism and a high degree of rivalry between the CTA and the locals of the American Federation of

Teachers (AFT). While the AFT has traditionally been small (having only 4-7 per cent of the total membership of the CTA), it has sizable numbers in the large urban school districts and is attempting to expand its influence in all areas of the state. Also, the employers (the local school boards) have a traditional attitude of conservatism in carrying out their functions and jealously guard their decision-making rights. This is in conjunction with the increasing demand by the teacher organizations for a larger role in decisions affecting wages, hours, and conditions of work as well as educational policy.

The Structure for Negotiations

The basic structure in which negotiations take place is the negotiating council. In the period under review, it was found that over ninety per cent of the 220 largest districts in the state had established the negotiating council as a five, seven, or nine man group -- with over forty per cent of these being nine man councils. There were only a handful of smaller districts that had councils with an even number of seats. Size tended to vary directly with the size of the district. Virtually all of the largest districts had nine man councils because such districts have more diverse interest groups among the teachers and less homogenous staff structures. The board generally desired to let all groups have maximum opportunity for representation and participation.

In over eighty per cent of the councils, the local CTA chapter has been the only participating organization. In a few cases, administrator groups or independent organizations sat on the council with the CTA, representing their own interests. Significantly, in very few cases did the AFT initially take a seat on the council with the CTA. As we shall

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see in subsequent discussion, the union did begin to participate on the council more in the second and third years of council operation, but such participation has never been extensive nor has the union ever controlled the council. Therefore, it can safely be generalized that in virtually all major districts, except Los Angeles during the first two years, the local CTA affiliated chapter dominated the negotiating council with a majority of the seats.[3]

On an overall basis, the board representative designated to meet with the negotiating council has been the superintendent -- a phenomenon not common in other states.[4] Interviews with superintendents acting as board representatives indicated the following factors as influential in the decision to have them act as the employer representative: the demand by the teachers to deal with the superintendent as a member of top management; the superintendent's unwillingness to delegate the role of board representative to his subordinates; and the superintendent's desire to personally deal with what was considered a "sensitive area" in teacher employment relations. It is interesting to note that in a few of the largest districts, the role of employer representative has been assigned to an administrator who was subordinate to the superintendent or to a "team" of district administrators -- which might include the superintendent. In these cases, it was found that the reason the superintendent delegated or diffused the responsibility was due to the great amount of time required in negotiations and/or the emergence of conflict with the teachers which he perceived as endangering his role as educational leader in the district.

The local board of education generally has not met with the teacher representatives in the council. Some boards have met occasionally with the council upon request of the teachers, but this has not been a

consistent nor a desired practice on the part of the board. This body's lack of participation in negotiations has been for the following major reasons: the limited time and many outside duties of its members; a perceived inexpertness in negotiating with teachers; the nonsecrecy of its actions in discussing questions relevant to negotiations; and its fear of losing or compromising its decision-making position. These reasons have led the board to the decision to select the superintendent or another full-time administrator recommended by the superintendent to be the board representative in dealings with the council.

Now that we have some concept of the negotiating council structure and the parties involved in negotiations, let us turn to a more detailed examination of the response of the major teacher organizations to the council.

The Association and the Council

Since the CTA designed much of the Winton Act and strongly supported it in the state legislature, it is not surprising that district level chapters have readily participated on the council. It is also important to note that in addition to encouraging local participation on the council, the state CTA organization has emphasized that the local Association chapter should maintain control over its representatives in the council --- to be certain that their behavior is "professional" and that the organization's proposals are presented.[5] The process used for selecting its representatives to the council is the control mechanism employed by the local Association.

The most widely used selection procedure is the appointment. The officers of the chapter appoint the Association council representatives. This provides for maximum control. The individual representative

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can easily be replaced and he must respond to the appointing body's instructions. He can be selected by criteria that effectively reduce the risk of dysfunctional behavior. The state CTA organization does not recommend it, but in a few districts, some council members are elected. Controls are still exercised since the candidate must make presentations on his goals and attitudes toward negotiations to the organization's elected representative policy making body. Also, officers are usually on the council with the elected council members. In those local councils where Association officers are automatically members by virtue of their office, control over their behavior comes more in the form of socialization and role behavior -- i.e., responsibility to the organization as an officer, responsibility to the local executive board, training for the position, and so forth.

From the above discussion, it is obvious that the proposals presented for negotiation on the council are generally those of the local Association since it controls the council by virtue of its size. The Association attempts to be a rational professional organization and has an elaborate committee system to research and formulate its proposals. Each proposal is presented to and passed upon by the collegial group before it is introduced into negotiations. The proposals thereby take on the value of representing professional concensus. This, of course, provides a strong basis for the teacher representatives to argue for the acceptance of a proposal by the board.

Interorganizational coordination and cooperation in proposal development and presentation is generally high between the local Association and any administrator organizations on the council and some independent groups.[6] However, there is generally little coordination or

cooperation between the Association Chapter and its rival, the AFT local. The Association chapter takes the attitude that if the AFT wants to have its proposals included in the negotiating council's "platform," the AFT can bring the proposals to the council and it (dominated by the Association) will decide if it wishes to use them. The Association generally does not make a significant effort to solicit proposals from the union, and a common attitude is to "let the union come to us."

In conclusion then, we can see that the Association dominates the negotiating council and, through the use of careful selection techniques, maintains maximum control over the behavior of its representatives. It also uses its own proposals, or its modifications of other organizational proposals, as the basis for negotiations.

The Union and the Council

The union, which is a minority organization in almost all districts, has consistently opposed the Winton Act and the concept of a negotiating council.[7] The three major problems it sees with the Act are outlined as follows. First, consistent with its trade union orientation, it does not like proportional representation. It wants an election for teachers to select a negotiating representative and exclusive representation for the chosen organization. Proportional representation based on organizational membership, it argues, 1) disenfranchises teachers if their organization is not large enough to qualify for a seat, 2) is an inappropriate way to select a bargaining representative, and 3) splits the teachers' voice. Second, the union feels that the requirement to "meet and confer" is meaningless and wants to change it to "bargain collectively" or "negotiate in good faith". Finally, the union argues that the law is ambiguous in defining an employee organization, in

providing for the rights of an organization not on the council, and so forth.

A major question the union must face is whether or not to participate on the negotiating council if it is eligible. This decision has been left up to the locals by the state organization. Several union locals have decided to take seats on the council.[8] Some of the early participants accepted seats because the law was new and they wanted to see if it would be any improvement on traditional procedures. Others participated to show that the union was an active organization and so they would be aware of what the CTA was doing. Many of the locals initially refusing to participate, but later taking seats, chose to do so in order to have a path to the board after it was made clear that the board would only deal with the legally constituted negotiating council. Other locals joined the council to use it as a platform for their proposals, as well as to follow their proposals in the council. There were a few districts in which the council seemed very successful in achieving the goal of bilateral decision-making with the administration and board. In such cases, the union joined in order not to be left out of the action. It is also of interest to note that in a small number of districts, the union obtained a seat on the council by virtue of the county district attorney rulings rather than by having enough members to qualify for a seat.[9]

When the union has taken a seat on the council, it has usually behaved in a noncooperative separate manner. There is competition and little coordination between the AFT and CTA representatives. When union representatives participate in negotiations activity, the union generally acts in an independent manner or in some cases in an

obstructionist manner. In two or three cases, it was noted that the union acted in more of a cooperative manner on the council. This occurred under unusual circumstances, however.[10]

The vast majority of union locals have not participated on the council in the first three years under the Act. One major reason is that over half of them did not have the membership to qualify for a seat. Those locals that could have qualified for a seat but did not take one, generally explained their behavior with one or more of the following reasons: the union local did not like the law and did not want to legitimize the council by participation; it did not feel the union could be effective as a minority organization; it did not want to lose its "gadfly" role; or, it did not want to disclose its membership list to the district.

Even if the local did not have a seat on the council, it still tried to deal with the board to represent the teachers. The union simply has attempted to circumvent the council. It has been able to effectively do this if the board retained the "open forum" policy for all groups to openly deal with the board at public meetings. This has resulted, in some cases, in negotiations much like the Association achieves in the negotiating council. Also, some superintendents have met with the union separately and have tried to reach agreement with it outside the negotiating council. If these channels were not open, the union, if it was strong enough, has attempted to force the board and/or superintendent to deal with it outside the council through the threat or actual use of power (i.e., strikes, picketing, etc.).[11] Otherwise, the union has had to be satisfied with no direct voice or else, of course, present its ideas to the CTA dominated council for consideration for negotiation.

The union has carried out a number of other activities to enhance its position and discredit the Winton Act and its operational arm -- the negotiating council. First of all, the union has worked hard to increase its membership among the teachers and subsequently increase its influence at the local and state levels. It carries out traditional membership drives -- e.g. building recruiting, mailing, luncheons, etc. It also tries to demonstrate to the teachers that the union is interested in their problems and will effectively pursue their grievances. In addition, to enhance its attractiveness to females and other more traditionally conservative teachers, the union works to demonstrate that it is a "professional organization" through presentation of professional proposals for negotiation (e.g., using available district funds for smaller classes rather than wage increases, etc.). In order to discredit the Winton and the proportional representation concept, the union has tried to induce teachers to join "dummy" organizations (organizations formed only for the objective of obtaining seats on the council) in order to proliferate the number of groups with seats on the council and paralyze it. Also, the AFT has submitted proposals to the state legislature to try to modify the Winton Act by substituting elections in place of organizational membership validation for seats on the council. Additionally, in test cases, it has taken court action against implementation of the Act on grounds of its unconstitutionality. Significantly, none of these procedures has proven effective. Finally, the union commonly attacks the local negotiating council as ineffective and as not being in touch with the needs and desires of the teachers.

Negotiating Behavior in the Council

The Winton Act gave the teacher organization representatives on the

negotiating council the right to "meet and confer" with the local board or its representative. However, the meaning of this term was never operationally defined and no guidelines for behavior were established in the law. It would appear that it was left to the parties themselves to work out some functional meaning for the term in their bilateral relationship. After the first several years of experience under the Act, there seem to be three major patterns of negotiating behavior emerging in the various school districts throughout the state. These will be called: 1) Traditional, 2) Bilateral Decision-Making, and 3) Conflict.

In the "Traditional" behavior pattern, the superintendent retains final decision-making power on what recommendations to make to the board. He will not "negotiate" a proposal with the teachers. He listens and may even respond to the teachers' ideas, but will not generally agree to jointly recommend an item. If the teachers' arguments are compelling, he may unilaterally modify the recommendation he will make. The teachers tend to see the council as a formal channel of communication and try to "convince" the superintendent to incorporate their ideas in his recommendation. Great emphasis is placed on reasoning and persuasion with well research material. Proposals are presented formally by the most knowledgeable person or panel, and early practice sessions may be held to make presentations more effective. In negotiations, there is a simple objective presentation of non-budget items. On budget items, teachers may modify their proposals after initial presentations and may review the budget developed by the superintendent for excess allocations that can be redistributed to meet their proposals. This pattern occurs most often in districts where the superintendent has long tenure, an authori-

tarian reputation, strong influence with the board, and in which the teachers are comparatively well off with regard to income and working conditions.

In the "Bilateral Decision-Making" pattern, most important decisions are jointly determined by the superintendent and the teachers in the council, and mutually acceptable recommendations are made to the board. The superintendent usually wants to involve the teachers more in decisions and is willing to modify his own ideas and recommendations. The board representative does not view the council as a challenge to his authority. Teachers tend to see the negotiating task as one of reaching an agreement and, in many cases, as solving mutual problems. In negotiations, it is common that a problem solving approach is taken with non-budget items. In budget negotiations, there seems to be two identifiable behavior patterns. These patterns will be called: 1) budget search behavior and 2) bargaining behavior. Budget search behavior is characterized by the following: the initial presentation of information or "items of concern" by the teachers rather than demands; the reliance on the administrator to establish the initial budget framework from which negotiations proceed; the use of argument and rational presentation to effect reallocations in the proposed budget; and a careful and extensive search of the proposed budget for "overallocations" or budget items that might be reduced so that money can be transferred to fund teacher proposals. Emphasis is placed on cooperative and rational procedures, but the teachers are willing to take action to force a reallocation if, after discussion and search, excess funds are found and no satisfactory action is taken by the employer. Bargaining behavior, on the other hand, is characterized by more of an adversary relationship

between the parties, and there is little reliance by the teachers on the superintendent to structure the negotiations with a unilaterally determined budget. The teachers usually present numerous demands -- some of which are "blue sky" in nature. There is an emphasis on compromise and concession by both parties to reach agreement. Each party utilizes strategic and tactical maneuvers to get the adversary to accept its budget priorities. The teachers threaten and have used pressure tactics (i.e., slowdowns, picketing, strikes, etc.) if an impasse is reached.

Finally, in the "Conflict" Behavior Pattern, the board representative generally refuses to make joint commitments on recommendations or administrative decisions affecting teachers. The teachers demand a voice. The superintendent refuses to negotiate since the law says only to "meet and confer". He feels that he, not the teachers, is responsible for administrative decisions and recommendations to the board. Also, in some districts, the board has instructed the superintendent to make no commitments. The teachers on the other hand, demand some participation and want counter-proposals from the board representative. They want "meaningful" negotiations. Tactics employed by the teachers to force joint decision-making include: appealing to the community for support, picketing board meetings, slowdowns and failure to carry out duties outside those of the classroom, and walkouts. The "Conflict Behavior Pattern" is characterized by the following types of teacher-board representative interaction: teachers make all the proposals and no counterproposals are forthcoming from the board representative; a legalistic interpretation of his responsibility by the board representative; emphasis on the agenda rather than the problem; hostility and charges of bad faith by both sides. This pattern of behavior seems

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often to occur in larger, unstable (high growth areas or high minority group concentrations in central cities), low wealth districts where the teachers are facing significant perceived economic and working condition problems. Often, the superintendent is faced with strong conflicting pressures from the community, and he may have a perceived tradition of authoritarian leadership among the teachers.

Conclusion and Comments

In this paper we have obtained an overview of the development of a negotiating structure and its emerging behavioral implications in the first several years of teacher-board employment relations under the Winton Act in California. In general, it can be seen that the law has worked to enhance the position of the CTA and has relegated, at least formally, the position of the union to that of a junior party in the dealings between the board and the teachers.

In particular, the device of the negotiating council with proportional representation has not proved to be particularly useful in integrating the rival organizations into a unified voice of the teachers.[12] In fact, since the AFT in many cases rejects the concept of the council, the council becomes only the voice of the CTA. The union, if at all possible, tries to work outside the council and maintain its separate organizational identity. Where it has been threatened by the council, the AFT has resorted to extreme tactics -- including the strike--to force recognition of its position. The union still demands exclusive representation and an election to select the representative.[13]

The requirement that the parties "meet and confer" has been particularly troublesome. There have been numerous interpretations of the meaning of this requirement. Essentially it has come to mean what the parties themselves want it to mean, and in most cases reflects the balance of power between the parties with regard to whose interpretation dominates. As we have seen, where the teachers are relatively well off financially and the administration and board are strong, meeting and conferring assumes an advisory approach that is similar, if not identical, to the traditional consultative approach so well known in school districts all over the country. Where the teachers have demanded meaningful negotiations and have been willing to use coercive tactics, usually in larger cities with all of their concomitant problems, there usually emerges some type of bilateral decision-making or a conflict relationship with the board representative -- given the respective attitudes and approaches of the parties.

Finally, the lack of an impasse procedure of any type has resulted in direct action by teacher organizations against local boards when differences have not been resolved. The feeling on the part of the teachers that they have the right to negotiate or participate in district decision-making and the obscure meaning of "meet and confer" coupled with a conservative attitude on retention of decision-making powers by most boards of education, has led to strikes and threats of coercive action. Interestingly, there had been no major teachers strike in California before the enactment of the Winton Act in 1965.

In conclusion, it seems evident that, in fact, the Winton Act assumptions of the professional orientation and unity of interest of the parties in the employment relationship in California public schools

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are simply not realistic. It can reasonably be stated that the teachers, administrators and boards of education probably do have similar goals, but they are at a nonoperational level (e.g., providing the best education possible). Realistically, when it comes down to implementing the nonoperational goals, there are going to be differences between the teachers and the administration and among the teacher organizations on how it should be done. Where there are perceived losses of power, encroachments on authority, or fear of loss of identity, there will be conflict. And, this has been the case.

While an interesting experiment in teacher negotiations legislation, it seems that the Winton Act was enacted with more of a nostalgic view of the past than foresight for the future. It is apparently based on an ideal concept of the teacher and his relationship to educational leadership (administration) and the employing board. The assumptions of the rationality of the profession and similarity of objectives of all parties ignore the conflicting needs and diverse interpretation of goals of various groups within the teaching profession as well as the differences between the teachers and their employers. It also seems that the designers of the law were not cognizant of, or did not understand the growing demand by public employees for participation in decisions affecting them. With the perspective of the first few years of operation under the Winton Act, it seems that unless there are significant changes in the behavior of the parties in the future, this law will be modified to more closely resemble those negotiations laws based on the private sector conflict of interest model rather than continue as it is.

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FOOTNOTES

[1]For the text of the Winton Act, see the California Education Code (Sections 13080 - 13088).

[2]This means that in a five man council, a teacher organization would need twenty per cent of the teachers in the district belonging to certificated organizations to qualify for a seat. In a nine man council, it would need eleven per cent of the teachers on its membership rolls.

[3]In 1965, the seats on the Los Angeles negotiating council were divided as follows: Affiliated Teachers of Los Angeles (ATOLA), four seats; Los Angeles Teachers Association (LATA), four seats; and the AFT, one seat. ATOLA was affiliated with the NEA but not the CTA, while LATA was affiliated with the CTA and NEA. They were rival organizations, but at the strong urging of the NEA, ATOLA and LATA merged into the Association of Classroom Teachers of Los Angeles (ACTLA) in 1967-68, and affiliated with the CTA. Thus, the CTA local chapter ultimately held eight of the nine council seats. Interestingly, the AFT Chapter and the CTA Chapter have recently merged. This would seem to present a more unified teachers front in dealing with the administration.

[4]See "The Superintendent's Role in Negotiation," NEA Research Bulletin XLV (October, 1967), pp. 84-86; "State Patterns in Negotiation," NEA Research Bulletin, XLVI (March, 1968), pp. 15-17.

[5]The CTA and its affiliates have expressed fears, on occasion, that individuals might emphasize their own goals or those of a small interest group rather than those of the entire organization in negotiations. It has been stressed that only the teacher organization, and not individual teachers, can express the "voice of the profession".

[6]In certain districts, lower level administrators such as counselors, principals, etc. have obtained a seat on the council if they have had enough membership to qualify, or if the CTA, in a gesture of goodwill, has allowed them to have one of the CTA seats. Independent groups include nonaffiliated special interest groups such as coaches, adult education groups, etc.

[7]At the end of 1968, the CTA had a membership of roughly 164,000 while the AFT in California had about 10,466 members.

[8]In 1965-66, four union locals took seats on the council. In 1966-67, thirteen locals had taken seats, and by 1967-68, about twenty locals had seats on negotiating councils. There were over 1000 school districts in operation in California in 1968.

[9]An illustration of this occurred in the Mt. Diablo Unified School District during the 1967-68 school year. The local chapter of the AFT, with approximately 60 members applied for a seat on the nine man negotiating council. The CTA local had approximately 1650 members and also applied for seats -- all nine. By actual percentages, the Association was entitled to 8.64 seats and the union to .36 seats. The Association argued that the union should get no seats since it was not even entitled to .5 seats. The union argued that it should have one seat since one seat on the council would provide a ratio "as nearly as practicable" to the ratio of its membership to all teachers in organizations requesting seats -- as the law required. The union was granted a seat on recommendation of the district attorney. The total number of cases in which this has occurred, however, seems to be less than a dozen.

[10]In one district, for example, the teachers had a high percentage of joint membership in the AFT and CTA locals, the local leaders of each organization had much the same outlook on the administration, and the leaders held many of the same goals. In another council in a smaller district, the AFT representative on the council was a friend of the Association representatives and felt that the Association spokesman was doing an excellent job.

[11]Some outstanding examples are the AFT teachers strike in Richmond in 1965, and the AFT strike in San Francisco in 1967.

[12]For a complete analysis of the question of proportional representation and its impact, see James A. Craft, "Proportional Representation for Teacher Negotiations," Industrial Relations, VIII (May, 1969), pp. 236-46.

[13]It is of consequence to note that the CTA seems recently to have modified its long held belief in the superiority of proportional representation. Its 1970 legislative proposals have reportedly endorsed a system where an "exclusive agent" would be selected to represent the teachers in a district. However, this "agent" would not be determined by an election, but rather on the basis of a membership count, see California Public Employee Relations, No. 3, (November, 1969), p. 43.

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